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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,431	06/29/2001	Richard Qian	42390P11146	8957

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EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 01/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/895,431

Applicant(s)

QIAN, RICHARD

Examiner

Susan Y Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

This is in response to amendment filed on 10/23/2003.

Claims 1 - 30 are pending for examination, claims 1, 3, 12, 21 and 28 have been amended.

It is noted that the present application does not contain line numbers in the specification and claims. The instant disclosure does not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both Examiner and Applicant all future correspondence should include the recommended line numbering.

Specification

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicants' cooperation is requested in correcting any errors of which applicants may become aware in the specification. Also, It is noted that the present specification does not contain line numbers. For ease of reference by both Examiner and Applicant all future correspondence should include the recommended line numbering.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(f) he did not himself invent the subject matter sought to be patented.

Claims 1-30, are rejected under 35 U.S.C. 102(e and f) as being anticipated by Sezan et al. (U.S. Patent No. 6,236,395).

Sezan et al. (U.S. Patent No. 6,236,395) has different assignee and one common inventors in comparison with the instant application.

As to claims 1-8, 10-19, 21-25, and 27-30, Sezan at al. (hereinafter referred as Sezan) discloses a system [Abstract; Fig. 1] with means/methods/computer products for updating user preferences for personalization media consumption from device to devices, comprising:

a) a user identification template [e.g. the user description schema (20), Fig. 1; col. 5, lines 37-40; col. 6, lines 3-7] retrieved from a template database [e.g. the data storage unit 950), Fig. 2] for identifying a user, wherein the user inserting a smart card issued by an issuer into at least one of a plurality of devices [e.g., col. 10, lines 38-46];

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b) a device identification template [e.g., the system description schema (22), Fig. 1] to identify at least one of the devices [col. 6, lines 23-30];

c) a user preference template corresponding to the at least one of devices, to identify user preferences associated with the device [e.g., a customized audiovisual information viewing schema, col. 3, lines 21-24; col. 5, lines 37-40];

d) a user history template corresponding to the at least one of the plurality of devices for tracking user pattern and gathering usage data [e.g. the browsing, viewing, filtering, searching, and device setting histories, col. 5, lines 39-40];

e) an analyzer comprising a text analyzer, an audio analyzer, and a video analyzer for analyzing data associated with the devices [e.g. the Audiovisual Program Analysis Module (42), Fig. 2; col. 8, lines 34-42; lines 48-55];

f) a management and configuration module for configuring the analyzed data, dynamically updating the user preferences and storing the configured data [e.g. the Description Scheme Generation Module (44), the Search & Filtering & Browsing Module(52), Fig. 2; col. 8, lines 56- col. 9, line 19].

As to claims 9, 20 and 26, Sezan further discloses that the plurality of devices comprises television, a computer, a PDA, a cellular phone, a portable media player, a web terminal, and a set-top box [col. 2, lines 66 – col. 3, line 5; col. 6, lines 5-6; lines 23-30].

Response to Arguments

Applicant's arguments filed on 10/23/2003 have been fully considered but they are not persuasive.

Regarding Applicant's arguments with respect to the U. S. Code 102(e) rejections, the examiner disagrees with applicant's assertion that the prior art on record including Sezan fails to disclose or suggest: 1) "retrieving a user preference template... from a plurality of user preference templates corresponding the plurality of devices"; 2) identifying user preferences associated with the device by using the user preference template".

In response to these arguments, the examiner points out that Sezan specifically teaches the claimed feature at col. 5, lines 37 – col. 6, lines 7. Wherein, the system uses a dynamic user description scheme [e.g., the unit 20, Fig. 1] to hold a user's personal preferences, which comprising a plurality of templates such as the user's browsing history, filtering history, searching history and device setting history. [col. 5, lines 37-40]. In addition, Sezan further teaches that the user preferences includes explicit definition of the particular programs or attributes which permits the system to select (or receive) the those template programs from the available program description scheme [e.g., the unit 18, Fig. 1]. Furthermore, Sezan discloses that the user's description scheme may be augmented, updated, or disabled at any time on behalf of a user or any technique can be used to compare (or identify) the information contained in the user description scheme to the program description scheme [18, Fig. 1] for making selections over network via a various devices. [col. 5, lines 59 - col. 6, lines 7]. As such, Sezan's art reads over the claimed features.

Conclusion

To expedite the process of examination, the examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. 35 U.S.C. 112) set forth by the Examiner prior to the office action, that applicant should provide and link to the most specific page and line numbers of the disclosure where best support is found (see 35 U.S.C. 132).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is (703) 308-1155. The examiner can normally be reached on 7-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone number for the organization where this application or proceeding is assigned is:

(703) .

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-6296.

Susan Chen

January 5, 2004



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